

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

Darry J. Redding,

Plaintiff,

v.

Jeffery Brewer; Brewer Scrap Metals;
David Warren; Stacey Coleman;
and Aiken County Sheriff's Office,

Defendants.

Civil Case No. 1:16-cv-01577-JMC

AMENDED ORDER

Pro Se Plaintiff Darry J. Redding, an inmate at Alvin S. Glenn Detention Center in Columbia, South Carolina, filed this civil action on May 16, 2016, against Jeffery Brewer; Brewer Scrap Metals; David Warren; Stacey Coleman; and Aiken County Sheriff's Office ("Defendants"), alleging violations of his constitutional rights including malicious prosecution, false arrest, false imprisonment, and cruel and unusual punishment. (ECF No. 1 at 2-6.)

The Magistrate Judge's Report and Recommendation, filed on September 30, 2016, ruled that Plaintiff failed to comply with a court order to serve necessary documents to Defendants. (ECF No. 15 at 1-2). Plaintiff was notified that the failure to provide the necessary information would subject the case to dismissal. *Id.* The Report and Recommendation sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the Magistrate Judge's recommendation herein without a recitation.

The Magistrate Judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The

responsibility to make a final determination remains with this court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Plaintiff was advised of his right to file objections to the Report and Recommendation (ECF No. 15 at 3.) However, Plaintiff filed no objections to the Report and Recommendation. In the absence of objections to the Magistrate Judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report and Recommendation results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein. (ECF No. 15.) It is therefore **ORDERED** that Plaintiff's Complaint (ECF No. 1) is dismissed without prejudice.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

April 19, 2017
Columbia, South Carolina